



# CITY OF BRUNSWICK

1 W. Potomac Street • Brunswick, Maryland 21716 • (301) 834-7500

## **Brunswick Ethics Commission Minutes October 18, 2006**

**Commission Members Present:** Chair Jamie Eshbaugh, Vice Chair Carroll Haugh, Roy Bates, and Frank Fortkamp

**Mayor & Council Present:**

**Staff Present:** City P & Z Administrator Rick Stup, Staff Liaison; and Paul Rose, City Attorney

Chairperson Eshbaugh called the meeting to order at 7:00 PM.

### **Minutes**

The minutes of the June 21, 2006 meeting were reviewed and approved. (Motion by Dr. Fortkamp and seconded by Mr. Haugh unanimously passed.)

### **Chair:**

Mr. Stup indicated that he had received an e-mail from Mr. Ward indicating that he had a medical procedure over the weekend, and didn't think that he could attend the meeting.

Mr. Stup explained the status of the New Ethics Ordinance and Handbook Acknowledgement Receipt, and reviewed the Ethics Commission Agenda Package.

### **Old Business:**

Mr. Stup reviewed the status of the Action Items from the last meeting and answered Commissioner Questions.

### **New Business:**

It was the consensus of the Commission in an effort to save the applicant's time since the two applicants were involved in both requests, that all Open Session Questions would be asked on a case-by-case basis first, and then decide if any witnesses needed to stay for the Closed Session portion for deliberation. The applicants for the Advisory Opinions had no objections.

**New Business Cont.**

**“Closed Session” for applicant questioning and deliberation of facts.**

Motion made by Mr. Haugh to go into Closed Session under the Maryland Open Meetings Law to discuss the Request; Dr. Fortkamp seconded the motion unanimously passed.

**Request for Advisory Opinion**

Hearing of Request for Advisory Opinion

Mr. Stup presented the applications and identified the documents in the Agenda Package.

**Case No. BR-AO-06-03**

**Examination of Requests and testimony.**

The Commission examined the Request for an Advisory Opinion with regard to Code of Ordinances, Article 3 Code of Ethics, Title 2 Prohibitions, Section 2-3201 Conflicts of Interest, and asked questions of the applicant. The applicant explained the circumstance and the request.

Messrs. Rose and Stup answered various questions.

**Case No. BR-AO-06-04**

**Examination of Requests and testimony.**

The Commission examined the Request for an Advisory Opinion with regard to Code of Ordinances, Article 3 Code of Ethics, Title 2 Prohibitions, Section 2-3201 Conflicts of Interest for use in future situations, and asked questions of the applicant. The applicant explained the circumstance and the request.

Messrs. Rose and Stup answered various questions.

Upon completion of the questioning by the Commission, the applicants were excused, and the proceedings went off the record for deliberation.

Chair Eshbaugh reconvened the meeting after the Closed Session. Mr. Stup was asked to restate the results of the deliberation during the Closed Session.

**Decision**

Dr. Fortkamp made a motion to find that the situation described in Request for Advisory Opinion BR-AO-06-03 & 04 was not in violation of Code of Ordinances, Article 3 Code of Ethics, Title 2 Prohibitions, Section 2-3201 Conflicts of Interest, based on testimony from the applicants and deliberation by the Commission, but directed the City Attorney to seek confirmation on the CITC Program from the State Ethics Commission if the State

**Ethics Commission Minutes**  
**October 18, 2006**  
**Page 3 of 4**

**New Business Cont.**

Program would create a conflict of interest prior to the drafting of the two Advisory Opinions for signature by the Chair; Mr. Haugh seconded the motion.

**VOTE: Yea 4 Nay 0**

The City Attorney was instructed by the commission to include in the Advisory Opinion a brief explanation of the Opinion.

**New Business**

Mr. Stup stated that the letters and forms for the Annual Financial Disclosure will be distributed to the affected parties in accordance with the new Ethics ordinance during November. The Forms are required to be returned by January 31, 2007.

Also, there will be a Special Election on February 6, 2007 to fill the vacant set caused by the resignation of a sitting councilman. Staff will coordinate with the City Administrator to ensure that the Financial Disclosure Form is included in the Election Candidate Package.

**Comments:**

It was restated that the following would be completed for the next meeting:

- Staff to prepare and distribute the Annual Financial Disclosure Letters and Forms to the appropriate parties in accordance with the Ethics Ordinance.
- City Attorney to contact the State Ethics Commission with regard to the CITCI Program.
- City Attorney to forward drafts of the two Advisory Opinions for signature by the Chair.
- Staff is to distribute the Advisory Opinions.
- Staff to ensure that the Financial Disclosure Forms are distributed with the Special Election Candidate Packages.

Ms. Eshbaugh inquired about the filling of Mr. Wards request for replacement. It was noted that the notice was posted on the City Web Site and also was to be posted on the Cable Channel 99. After the first of the year, a notice would be placed in the newspaper for several upcoming vacancies to include Mr. Ward's current appointment.

Mr. Stup reminded the Commission that the next meeting is scheduled for November 15, 2006. However, there currently aren't any items for the Agenda, and unless a Request for Advisory Opinion or Complaint is received, there is no reason to meet in November.

**Ethics Commission Minutes**  
**October 18, 2006**  
**Page 4 of 4**

**Comments Cont.**

Additionally, Staff is instructed to utilize the same procedure to process the Annual Financial Reports as last year rather than the Commission Meeting just to review the Reports.

**Adjournment**

The meeting was adjourned at 8:10 PM.

Respectfully submitted,

Jamie Eshbaugh, Chair  
Brunswick Ethics Commission